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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: MIKE MILILLO, CSBA, SENIOR PLANNER *MM*
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THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *chl*
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MEETING DATE: APRIL 2, 2014

SUBJECT: Z13-04: REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER 1 ZONING REGULATIONS, DIVISION 2 LAND USE DESIGNATIONS, ARTICLE 2.3 COMMERCIAL DISTRICTS, SECTION 2.303 LAND USE REGULATIONS AND TABLE 2.303 LAND USE REGULATIONS – COMMERCIAL DISTRICTS RELATED TO ADDING ADDITIONAL REGULATIONS TO THE RESIDENTIAL, PERMANENT MULTI-FAMILY USE IN COMMERCIAL ZONING DISTRICTS TO PERMIT MULTI-FAMILY USES AS PART OF A MIXED-USE DEVELOPMENT SUBJECT TO A CONDITIONAL USE PERMIT IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT; AMENDING SECTION 2.306 ADDITIONAL USE REGULATIONS BY ESTABLISHING REQUIRED FINDINGS FOR ISSUANCE OF A CONDITIONAL USE PERMIT FOR MULTI-FAMILY USES IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT; AND AMENDING THE GLOSSARY OF GENERAL TERMS TO ADD A NEW DEFINITION OF “MIXED USE DEVELOPMENT.”

STRATEGIC INITIATIVE:

Community Livability

This amendment will promote appropriate mixed-use development within the Regional Commercial land use classification to ensure that Gilbert remains clean, safe and vibrant.

RECOMMENDED MOTION

FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z13-04, AS REQUESTED.

BACKGROUND/DISCUSSION

History

<i>Date</i>	<i>Action</i>
March 6, 2013	Planning Commission initiated the LDC text amendment and held the Citizen Review meeting to discuss the proposal pertaining to the Multi-Family Residential use in the Regional Commercial zoning district.
January 8, 2014	Planning Commission discussed a proposed draft of the LDC text amendment and provided staff with comments and direction.
March 5, 2014	Planning Commission discussed the proposed text amendment details and provided staff with additional comments and direction.

Overview

This proposed text amendment will establish additional findings for integrating multi-family residential developments as a mixed-use within the Regional Commercial (RC) zoning district through the Conditional Use Permit approval process. The proposed amendment will also define a new term, "Mixed-Use Development" that for the purpose of integrating multi-family in the RC district, will define mixed-use development that contains primarily commercial and retail/service uses with integrated multi-family residential uses. The proposal recommends four (4) findings: *Mixed Land Uses, Sustainability through Compact Design, Pedestrian Scale and Orientation, and Transportation and Connectivity*. It is staff's intent to elaborate on those findings in a separate Design Guidelines document (See Attachment No.1).

Planning staff has worked with a Stakeholders Group in four meetings and the Planning Commission in three Study Sessions to craft regulations that will provide property owners and the development community with opportunities for multi-family residential uses in large-scale regional commercial centers; and provide the Planning Commission with findings and guidelines that may be used to consistently evaluate and approve such projects. The Stakeholder Group reviewed and discussed existing Zoning Code use regulations, current trends driving multi-family and commercial development, mixed-use development concepts and options for drafting the proposed text amendment. The group made the following findings and recommendations:

- There is growing demand for multi-family housing driven by changing demographics and housing choices.
- We should plan for obsolescence of commercial centers, converging with demand for new types of uses. The nature of retail is changing and we should anticipate that.
- Current challenge is to be competitive because there is an abundance of underutilized commercial land uses/ properties.
- Need greater flexibility in looking at mixed-use development in Gilbert. Build this flexibility into the LDC.
- The Town should retain the Multi-Family option as a Use Permit within the RC zoning district.
- Supplement the “Findings” with a menu of characteristics or design guidelines that will promote mixed-use integration.
- Add specific findings in LDC Section 2.306 to the general Findings in LDC Sec. 5.403. Refer to “Design Guidelines” for more information.

The Planning Commission, during its most recent Study Session, provided the following observations and comments:

- The staff proposal assumes that the definition of mixed use includes residential. Mixed-use can exist without residential and in fact fits well without residential.
- Finding #2 (Sustainability through Compact Design) incorporates shared parking. If that becomes a requirement, it could be a problem in the future. Developers will want to segregate the residential parking away from the retail parking and that would make it difficult to meet this finding.
- Loft units (residential above a non-residential use) are already permitted without a use permit in RC. The proposed conditional use permit applies only when a more traditional multi-family project wants to locate on property within an RC district.
- In situations where phasing of different uses is proposed over time, a master development plan will be useful to ensure that it truly is going to be an integrated mixed-use plan.

Text Amendment Objectives

1. Facilitate approval of mixed-use development projects that align with the vision, goals and policies contained in Gilbert’s General Plan.
2. Support and encourage infill and redevelopment.
3. Accommodate developer interests in developing multi-family uses within Regional Commercial projects.
4. Proposed “Use Permit Findings” should ensure significant functional and physical integration of project components.
5. Establish a separate “Design Guidelines” document to be incorporated into LDC Chapter II that elaborates on and explains how the four findings may be achieved.
6. The proposed “Use Permit Findings” and associated “Design Guidelines” should clearly outline criteria to create compact, connected, walkable spaces within mixed-use RC developments.

Proposed Zoning Code Text Amendment

Planning staff proposes a text amendment to the Land Development Code's (LDC) Commercial District Land Use Regulations. Proposed additions to LDC Article 2.3 are shown in ALL CAPS:

Article 2.3 Commercial Districts

2.303 Land Use Regulations

Table 2.303: Land Use Regulations –Commercial Districts

<i>Use Classification</i>	<i>NC</i>	<i>CC</i>	<i>SC</i>	<i>GC</i>	<i>RC</i>	<i>Additional Regulations</i>
* * *						
Residential, Permanent <i>Loft Unit</i>	--	P	P	P	P	
<i>Multi-Family</i>	--	--	--	--	L7	SEE SECTION 2.306
* * *						

L7 – Only permitted as part of an integrated, mixed-use plan. Conditional Use Permit required.

* * *

2.306 Additional Use Regulations

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H. REQUIRED FINDINGS. IN ADDITION TO THE FINDINGS REQUIRED IN SECTION 5.403: REQUIRED FINDINGS, THE PLANNING COMMISSION SHALL APPROVE, APPROVE WITH MODIFICATIONS AND/OR CONDITIONS, OR DENY A USE PERMIT AFTER MAKING THE ADDITIONAL FINDINGS OF FACT* SET FORTH IN THIS SECTION:

- 1. MIXED LAND USES-** THE PROPOSED PROJECT DEMONSTRATES THAT LAND USES ARE MIXED ON-SITE OR ARE MIXED IN COMBINATION WITH ADJACENT USES (EXISTING OR PLANNED). MIXED-USE DEVELOPMENT IS AN EFFICIENT INTEGRATION (HORIZONTALLY OR VERTICALLY) OF NON-RESIDENTIAL AND RESIDENTIAL USES THAT CULTIVATES A SENSE OF COMMUNITY IN A LIVE, WORK, AND PLAY ENVIRONMENT.
- 2. SUSTAINABILITY THROUGH COMPACT DESIGN-** THE PROPOSED PROJECT DEMONSTRATES THAT SITE LAYOUT IS COMPACT AND DEVELOPS BUILDINGS, PARKING AREAS, STREETS, DRIVEWAYS AND GATHERING PLACES IN A WAY THAT LESSENS DEPENDENCE ON THE AUTOMOBILE, AND REDUCES IMPACTS ON THE NATURAL ENVIRONMENT. PARKING FOR THE MULTI-FAMILY RESIDENTIAL COMPONENT MEETS MULTI-FAMILY RESIDENTIAL PARKING REQUIREMENTS OR AN APPROVED “SHARED-PARKING” MODEL.

3. **PEDESTRIAN SCALE AND ORIENTATION-** THE PROPOSED PROJECT DEMONSTRATES THAT ALL PORTIONS OF THE DEVELOPMENT ARE ACCESSIBLE BY A DIRECT, CONVENIENT, AND SAFE SYSTEM OF PEDESTRIAN FACILITIES, AND THE PROPOSAL PROVIDES APPROPRIATELY SCALED PEDESTRIAN AMENITIES AND GATHERING PLACES.
4. **TRANSPORTATION AND CONNECTIVITY-** THE PROPOSED PROJECT DEMONSTRATES THAT THE DEVELOPMENT PROVIDES APPROPRIATE VEHICULAR AND PEDESTRIAN CONNECTIVITY THAT SERVES VEHICLES, PEDESTRIANS AND BICYCLES.

*SEE LAND DEVELOPMENT CODE CHAPTER II: DESIGN STANDARDS AND GUIDELINES FOR METHODS TO ACHIEVE THESE FINDINGS.

* * *

The LDC Glossary of General Terms is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Glossary of General Terms

MIXED-USE DEVELOPMENT. FOR THE PURPOSE OF INTEGRATING MULTI-FAMILY IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT, THE DEFINITION OF MIXED-USE DEVELOPMENT IS: MIXED-USE DEVELOPMENT IS AN EFFICIENT INTEGRATION OF NON-RESIDENTIAL AND RESIDENTIAL USES THAT CULTIVATES A SENSE OF COMMUNITY IN A LIVE, WORK, AND PLAY ENVIRONMENT.

* * *

Staff is of the opinion that the definition above and the four required findings will be useful for the purpose of integrating multi-family uses in the RC zoning district. The effect of the proposed amendments will be to permit permanent multi-family uses in the Regional Commercial (RC) zoning district subject to a Conditional Use Permit with specific additional required findings. Aside from these proposed provisions, a well-designed mix of non-residential uses may still be developed without residential, as long as they are permitted/conditional uses within the RC zoning district.

PUBLIC NOTIFICATION AND INPUT

A Citizen Review meeting was held on March 6, 2013. The Planning Commission held two additional study sessions to discuss this text amendment. A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has generally received positive comments from the Stakeholders Group involved in drafting this amendment. The Gilbert Chamber of Commerce has submitted a Memo with a Position Statement that is attached to this staff report.

STAFF RECOMMENDATION

For the following reasons: the proposed regulations will promote appropriate mixed-use development within the Regional Commercial zoning designation to ensure that Gilbert remains clean, safe and vibrant, the Planning Commission moves to recommend approval to the Town Council for Z13-04, a request to amend Land Development Code regulations related to allowing multi-family uses in the Regional Commercial (RC) zoning district.

Respectfully submitted,

Mike Milillo
Senior Planner, CSBA

Attachments:

1. Draft Mixed-Use Design Guidelines
2. Gilbert Chamber of Commerce Memo, dated February 27, 2014
3. Minutes of the Planning Commission Study Session, dated March 5, 2014

DRAFT MIXED-USE DESIGN GUIDELINES TO BE INCLUDED IN LDC CHAPTER II:
DESIGN STANDARDS AND GUIDELINES:

FOR THE PURPOSE OF INTEGRATING MULTI-FAMILY IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT THE DEFINITION OF MIXED-USE DEVELOPMENT IS: MIXED-USE DEVELOPMENT IS AN EFFICIENT INTEGRATION OF NON-RESIDENTIAL AND RESIDENTIAL USES THAT CULTIVATES A SENSE OF COMMUNITY IN A LIVE, WORK, AND PLAY ENVIRONMENT.

1. MIXED LAND USES

The Proposed Project Demonstrates That Land Uses Are Mixed On-Site Or Are Mixed In Combination With Adjacent Uses (Existing or Planned). Mixed-Use Development Is an Efficient Integration (Horizontally or Vertically) Of Non-Residential and Residential Uses That Cultivates A Sense of Community in a Live, Work, and Play Environment. The following may be used to achieve this finding:

- The proposal includes a combination of land uses or contributes to create a mixed-use development. For the purposes of these standards, “mixed-use” means a combination of multi-family residential and commercial/office/industrial/civic uses, arranged vertically (in multiple stories of buildings) or horizontally (in close proximity to one another).
- The proposal is designed in such a way that it is well integrated with adjacent land uses, meaning that adjacent uses are within a comfortable walking distance and are connected to the proposed use with direct, convenient and pedestrian friendly sidewalks and/or pathways.
- The proposal includes a mix of non-residential uses within walking distance of dwellings, reducing the number of vehicular trips and vehicles using the street system.
- The proposal incorporates more than one “Work-Live Unit”- a Mixed Use unit consisting of a commercial and residential function. A Work-Live Unit is intended to function predominantly as work space with incidental residential accommodations that meet basic habitability requirements.
- The proposal ensures convenient access to a connected system of streets and paths; or

- The proposal contains an equally good or superior way to achieve these guidelines.

2. SUSTAINABILITY THROUGH COMPACT DESIGN

The Proposed Project Demonstrates That Site Layout Is Compact and Develops Buildings, Parking Areas, Streets, Driveways And Gathering Places In A Way That Lessens Dependence On The Automobile, And Reduces Impacts On The Natural Environment. Parking For The Multi-Family Residential Component Meets Multi-Family Residential Parking Requirements or an Approved “Shared-Parking” Model. The following may be used to achieve this finding:

- The proposal includes opportunities for shared parking between residential and non-residential uses.
- The proposed site layout clusters buildings on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are in reasonably close proximity to each other such that a pedestrian need not walk across lengthy parking and driveway areas between building entrances; or
- The proposal contains an equally good or superior way to achieve the above guidelines.

3. PEDESTRIAN SCALE/ORIENTATION

The Proposed Project Demonstrates That All Portions Of The Development Are Accessible By A Direct, Convenient, And Safe System Of Pedestrian Facilities, and the Proposal Provides Appropriately Scaled Pedestrian Amenities and Gathering Places. The following may be used to achieve this finding:

- The development does not diminish the safety, function, comfort or attraction of an existing public or private gathering space, as described in 1-4, below.
 1. “Safety” means both pedestrian safety near vehicles, and safety through a proposed site layout, building, and landscape design to promote natural surveillance; and
 2. The “function” of a public space may include transportation, in the case of the sidewalk; recreation and socialization, in the case of a plaza or park; and
 3. “Comfort” means the ability of a gathering space to reasonably accommodate expected uses; and
 4. “Attraction” relates to the reason people use the gathering space.
- Building front façades should be located as close as possible to the front property line, streetscape or gathering place.

- Pedestrian facilities connect the development to adjacent land uses and provide connections through the development to the applicable public or private streets.
- Pathways and streetscapes between uses or outdoor plazas are provided with weather protection and a street furnishing zone. Appropriate pedestrian amenities (e.g., street tree well cutouts, and space for outdoor seating, trash cans, newspaper racks, mail boxes, sidewalk displays, public art, misting systems, shade structures and awnings, etc.), are provided in such areas.
- Surface parking is oriented behind or to the side of a building when possible.
- Provide *Exterior Shade* through mature trees - species should be selected with canopies that do not block visual access to shop fronts nor interfere with “eyes on the street.”
- Appropriate amount of landscape buffering is provided between parking lots and all adjacent sidewalks.
- All building entrances, pathways and other pedestrian areas should be adequately illuminated with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape up lighting, etc.).
- Inviting and comfortable pedestrian-scale gathering spaces or plazas should be placed adjacent to pedestrian circulation routes and be designed to generate interest and engagement from pedestrians. Gathering places should ideally be shared among the various land uses; or
- The proposal contains an equally good or superior way to achieve the above guidelines.

4. TRANSPORTATION AND CONNECTIVITY

The Proposed Project Demonstrates that the Development Provides Appropriate Vehicular and Pedestrian Connectivity that Serves Vehicles, Pedestrians And Bicycles. The following may be used to achieve this finding:

- Public or private streets connect the development to adjacent neighborhoods and zoning districts.
- The proposal implements all planned street connections, as designated by the Town’s *Transportation Master Plan*.
- When street connection(s) is/ are not practicable, pedestrian connection(s) are made to and through the Mixed-Use development in lieu of planned street connection(s). Pedestrian connections should equal what would be available if they were on a street.
- A tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

- If project fencing is provided, maintain views, open areas and integration of pedestrian network with adjacent commercial uses.
- Short blocks are encouraged to assist in integrating the uses, streets, lots and buildings. Where public street connections are not practicable, develop bicycle and pedestrian connections and internal private shopping streets that mimic public streets and meet the block guideline.
- Provide pedestrian friendly cross access between adjacent uses that encourages people to walk from use to use once they arrive at the Mixed-Use development; or
- The proposal contains an equally good or superior way to achieve these guidelines.



MEMO

TO: Mike Milillo, Town of Gilbert
FROM: Gilbert Chamber Board of Directors
DATE: February 27, 2014

RE: **Mixed Uses within Regional Commercial Zoning**

BACKGROUND

With the renewed interest in providing a more urban feel of live, work, and play within commercial zoning areas we agree that it is timely to evaluate these options. Developing guidelines for this type of use is consistent with previous efforts the Chamber championed for office, commercial, industrial, and heritage district guidelines. The premise is that guidelines are just that, they are not mandatory, but are looked upon favorably when a developer presents their projects to include elements from the guidelines that will meet the needs of our community. Guidelines allow developers to know what the Town is looking for prior to spending money on plans that may not be a good fit for Gilbert.

Chamber members, Joan Krueger and Matt Streeper, sat on the stakeholders' group as these guidelines were developed and provided feedback to the Chamber's Public Policy over the last six months or so.

POSITION STATEMENT

The Gilbert Chamber of Commerce Board of Directors supports the Multi-Family Residential in Regional Commercial Zoning District Amendment, received on February 26, 2014, with one caveat. Regarding Pedestrian Scale/Orientation, the Gilbert Chamber of Commerce recommends the guideline for sidewalks and/or plazas read as follows:

...Pathways between uses or outdoor plazas are provided with INTERMITTENT weather protection and a street furnishing zone on both sides of every public or private street.

The current language, though softened, tended to be perceived by those in the business that a continuous and very expensive canopy would be expected for all pathways. We believe the recommended change to the guideline is more in line with the intent.

Mike, if we can answer any questions, please feel free to contact Kathy Tilque at 480-892-1103. Also please forward this information to the Planning Commission and Town Council. Thanks for all your assistance during this process.

would be one of the main access is to the remaining 30 acres to the north which is not part of the current proposal and is not owned by the same property owner.

Vice Chairman Oehler said that he did not see the project as a mixed use and definitely saw a dividing line between the two properties in looking at the design of the site. He said that he did not see it as a win for the Town of Gilbert or for the property.

Commissioner Powell asked if there was a possibility of producing the growth rate in BP over the last three years or if they are experiencing a higher trend of BP build-out currently versus previously.

Planner Temes asked if that would be the number of building permits pulled.

Commissioner Powell said that was correct. He would like to see that measurement as well when staff came back before the Commission.

Commissioner Cavenee said that they needed to be careful because development moves in trends and they should look at the property and its surroundings in and of itself and not worry about what development trend is hot currently. Time will help evolve the development of all facets of the General Plan and there is some integrity to be maintained in that process. That is not to say that they haven't made changes and won't make changes in the future but this is a candidate where the proposed change is not a benefit. Even though they may not see BP developing in the area in the last year or two significantly, it may actually be more of an 8 – 9 year cycle for BP to be stronger again.

Z13-04 - Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 2, Land Use Designations, Article 2.3 Commercial Districts, Section 2.303 Land Use Regulations related to adding Additional Regulations to the Residential, Permanent Multi-Family use in Commercial zoning districts to add mixed-use criteria, and amending Section 2.306 Additional Use Regulations by establishing Required Findings to permit Residential, Permanent Multi-Family uses in the Regional Commercial (RC) zoning district, subject to a Conditional Use Permit.

Senior Planner Mike Milillo stated that Z 14 – 04 was a request to amend the Land Development Code (LDC). He noted that they have been working on the proposed text amendment for approximately one year and had formed a stakeholders group and were narrowing the recommendation that they are going to formally bring to the Planning Commission and the Council. At the most recent meeting which was in January they narrowed down the number of proposed findings to four. Planner Milillo said that they were talking about integrating multifamily development into the Regional Commercial (RC) zoning district. The RC zoning district is the most intense commercial zoning district and currently there is a limitation in this district which is Limitation 7 (L7) where multifamily residential is only permitted as part of an integrated mixed-use plan. What staff has been struggling with on a project by project basis over the last several years is how they make the determination of whether the project is truly integrated and really mixed-use. This proposal will add a new subsection to the additional use regulations section 2.3 06 H which has required findings. Mr. Milillo stated that staff has narrowed it to four different findings which are as follows:

2.306 Additional Use Regulations

H. REQUIRED FINDINGS. IN ADDITION TO THE FINDINGS REQUIRED IN SECTION 5.403: REQUIRED FINDINGS, THE PLANNING COMMISSION SHALL APPROVE, APPROVE WITH MODIFICATIONS AND/OR CONDITIONS, OR DENY A USE PERMIT AFTER MAKING THE ADDITIONAL FINDINGS OF FACT SET FORTH IN THIS SECTION:

1. MIXED LAND USES- THE PROPOSED PROJECT DEMONSTRATES THAT LAND USES ARE MIXED ON-SITE OR ARE MIXED IN COMBINATION WITH ADJACENT USES (EXISTING OR PLANNED). MIXED-USE DEVELOPMENT IS AN EFFICIENT INTEGRATION (HORIZONTALLY OR VERTICALLY) OF NON-RESIDENTIAL AND

RESIDENTIAL USES THAT CULTIVATES A SENSE OF COMMUNITY IN A LIVE, WORK, PLAY ENVIRONMENT.

2. SUSTAINABILITY THROUGH COMPACT DESIGN- THE PROPOSED PROJECT DEMONSTRATES THAT SITE LAYOUT IS COMPACT, INCORPORATES SHARED PARKING AND/OR ON-STREET PARKING AND ENABLES FUTURE INTENSIFICATION OF DEVELOPMENT AND CHANGES IN LAND USE OVER TIME. PARKING FOR THE MULTI-FAMILY RESIDENTIAL COMPONENT MEETS MULTI-FAMILY RESIDENTIAL PARKING REQUIREMENTS OR AN APPROVED "SHARED-PARKING" MODEL.
3. PEDESTRIAN SCALE AND ORIENTATION- THE PROPOSED PROJECT DEMONSTRATES THAT ALL PORTIONS OF THE DEVELOPMENT ARE ACCESSIBLE BY A DIRECT, CONVENIENT, AND SAFE SYSTEM OF PEDESTRIAN FACILITIES, AND THE PROPOSAL PROVIDES APPROPRIATELY SCALED PEDESTRIAN AMENITIES AND GATHERING PLACES.
4. TRANSPORTATION AND CONNECTIVITY- THE PROPOSED PROJECT DEMONSTRATES THAT THE DEVELOPMENT PROVIDES APPROPRIATE VEHICULAR AND PEDESTRIAN CONNECTIVITY THAT SERVES VEHICLES, PEDESTRIANS AND BICYCLES.

Planner Milillo commented that what they will mainly see, at least in the foreseeable future in Gilbert, is horizontal integration. He said that some of this is related to "what if they have a vacant piece of property and a multifamily comes in first". That is something that would not be precluded by this but they would want to see an overall master plan that shows how the future nonresidential uses would be integrated and that they would be mixed so that they do not have segregated uses which is the way most zoning operates. In terms of finding 2, they are looking at something that is compact and something where the uses are closely fitting together so that pedestrians aren't forced to get back in their vehicles and drive to the various mixtures of uses. In terms of point number 3 they will probably include other modes such as bicycles so that it is a human type scale rather than a scale for vehicles. This particular proposal has 4 findings and then elaborates on the findings in the Design Guidelines. Mr. Milillo commented that the intent is that the guidelines are exactly that, there are ways that each of the 4 findings can be achieved without having to meet all of them and they are not all requirements.

Commissioner Cavenee said that in terms of the first finding he was trying to determine what the goal is for this mixed-use. In the first requirement they make the statement that it is residential and nonresidential that needs to be mixed so they are assuming that the definition of mixed use includes residential. In the bigger picture that is not actually the case. Mixed-use can be without residential and in fact fits well without residential. He said that he did not know if the goal was to try to insert residential into some of the commercial properties. As they look at the cases in the future should they not consider where they have a mixed-use situation that does not include any form of residential but rather a mixed-use that includes two different types of commercial properties like a Retail/Office or perhaps Business Park/Retail or something of that nature. In terms of finding number 2, when dealing with residential mixed with commercial and particularly retail, you have somewhat of a conflict. For example when you have office and retail together they share parking very well because the office uses it during the day and restaurants and various other elements utilize the parking at night. With residential you do not get the transplant of uses as well and also when you are dealing with any higher-end level of residential multifamily the developers are going to want to protect those vehicles and not expose them to the retail parking spaces. They will also want people to be able to have the convenience of bringing in their groceries or dry-cleaning. Commissioner Cavenee said he was concerned about honing in the designation to "must have" residential in the mixed-use and that they need to be very careful about how they word the parking as they were not sure how they were going to get a developer that is able or willing to put residential parking into a mixed-use project.

Planner Milillo said that he agreed with the Commissioner that in the classic definition of mixed-use you do not have to have residential. In this particular case what they are looking at is findings that are related to

integrating Multifamily Residential into Regional Commercial. These findings are very specific to mixing residential in with nonresidential.

Commissioner Cavenee said that if they do encounter a request in the future for a mixed-use without residential, do they have the instrument that they need to evaluate it.

Planner Milillo said not with these same standards. They would have to massage the standards somewhat and make them a little bit different in order to evaluate those types of projects.

Commissioner Cavenee asked if they should add a finding that said “if residential is not part of the element they do X”.

Planner Milillo said that he felt that was outside the scope of this particular amendment. It is certainly something that is going to be on staff’s radar very soon as they have a land use assessment that has been done by a consultant that is currently being reviewed internally by staff. They are probably going to be looking at those types of mixed-use scenarios. In terms of the parking it is true that there are some built-in conflicts and he would expect that you would not see that the residential parking for the actual dwelling units is really going to be mixed with the nonresidential uses. He said that he would expect that some of the visitor parking would be mixed with the other uses. It all goes back to the principle of different peak parking demands.

Commissioner Cavenee said that one of the clauses in finding 2 is that it must incorporate shared parking. If that becomes a requirement it could be a problem in the future.

Commissioner Powell said that when looking at the uses that are allowed under RC it does not include multifamily. The reason that this came together is because of the absence of multiuse under the RC heading and they are simply limiting this by putting in an L7 that says that it has to come before the Commission and obtain a Use Permit before residential can be considered. These findings are particularly designed just for the exception of when someone wants to bring in multi-housing into RC and they would place a limitation on that simply so that it can come before the Planning Commission for discussion.

Vice Chairman Oehler asked if they could have a full office component in RC currently, integrated with a retail component.

Planner Milillo said yes. If you did loft residential it is permitted by right but once you separated out and want to a multifamily project that is when the 4 findings would commence.

Vice Chairman Oehler said that by right they have the verticality if they put retail on the first floor and residential above that.

Planner Milillo said that was correct.

Vice Chairman Oehler said that they were going to want to segregate the residential parking away from the retail parking and that would make it hard to meet the findings on that aspect. He said if you have an apartment complex that has a Starbucks in it and the little bar that the public can go to and is all made for the tenants where does that line up when they deal with mixed-use.

Planner Milillo said that that staff has not incorporated any particular percentages in this proposal and that they did not think that they wanted to put percentages in because they want to retain flexibility. They have other districts like GO where they actually do have percentages where they say they can have these particular uses as long as when you combine all the other ancillary uses they do not add up to more than 15% of the square footage of the entire office project. This is not oriented that way because they want to retain the flexibility. They will probably want to review each case on its own merit.

Vice Chairman Oehler said that staff mentioned a master plan and asked if that was ultimately how they will know in dealing with phasing.

Planner Milillo said that he believed they would have to add a little more language in order to state that type of scenario. If there is a vacant piece of property and the multifamily goes in first how will they be assured that it truly is going to be an integrated mixed-use plan. They are probably going to have to look at details such as how much infrastructure is going to go in around the multifamily to tie in to the future proposed nonresidential uses. Staff will need to take that idea and put it into language.

Commissioner Cavenee asked if they were thinking that most of the mixed-use situations will be vertically or structurally integrated or were they expecting that there will be some horizontal separation such as different pods within the same campus of different uses.

Planner Milillo said that if it is anything like they have seen in the past he believed it was the latter. He said that he was not sure that the vertical market was here yet and perhaps at some point in the future they would see that type of integration but it will probably be separate parcels.

Commissioner Cavenee said that maybe they could include in the language that it has to be structurally integrated and in that case you would know it's integrated but if they don't have that kind of market it may be too hard to require.

Z14-02 - A request to rezone approximately 2.3 acres of real property located west of the northwest corner of Ash Street and Vaughn Avenue from Town of Gilbert Heritage Village Center (HVC) zoning district to Heritage Village Center with a Planned Area Development (PAD) Overlay Zoning District.

Planner Milillo stated that Z14 – 02 was scheduled for public hearing on April 2 and that before the Planning Commission makes a recommendation the Redevelopment Commission will make a recommendation to the Planning Commission. The request is to rezone from Heritage Village Center (HVC) zoning district to HVC with a Planned Area Development (PAD) overlay and the reason for the requested PAD is so that this particular project can utilize amended standards to permit greater height in the district. The HVC district presently has development standards that require a minimum of 2 stories or a maximum of 4 stories and 55 feet. If you want to go beyond that you must go to the Redevelopment Commission and have a PAD in order to amend the development standards to allow additional height. The architects are still working on the University conceptually and the 5 stories and 85 feet is probably a worst-case scenario as it may not be that tall. They are trying to request the worst possible case in the PAD. The site is located on Vaughn Ave., west of Gilbert road. Planner Milillo displayed an aerial map of the site. The site is bordered by the power line trail along the north and Vaughn on the south. Ash Street as shown will be relocated and there will be a public parking garage sitting immediately to the east of the relocated Ash Street. What will become the new Ash Street is immediately to the east and Town owned property that is partially developed to the West. A conceptual plan was displayed and it was noted that the building would have minimum setbacks, approximately 10 feet to the property line along Vaughn Avenue and Ash Street, with parking and other space located to the north of that. Planner Milillo displayed an exhibit of the building concept which showed Vaughn Avenue immediately in front with Ash Street to the right and a conceptual view of what the building footprint would be. He pointed out the Arbor Walk residential district located on the other side of the trail. From the property line to the closest residential buildings it is approximately 150 feet. A building section was displayed and it was pointed out that the reason that the applicants are looking for additional height is that the floor to floor heights are ranging between 16 and 20 feet and they also envision a significant mechanical penthouse along the top. On the 3rd floor there is a roof deck that would be located on the north side of the building. The Redevelopment Commission is scheduled to review the case and make a recommendation to the Planning Commission on March 26. The Planning Commission would have it on the Public Hearing Agenda for April 2 and on May 1 the case would be presented to the Town Council.

Commissioner Peterson asked how tall the parking structure would be.